

27

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 3974 of 2005

PETITIONER

: Dr. D.R.Thakur Son of Shri
Rameshwar Thakur Asst. Surgeon
Community Health Centre Nagri Distt.
Dhamtari (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh through the
Secretary Department of Health
Govt. of Chhattisgarh, D.K.S.
Bhawan, Raipur.
2. Joint Director Health Services
Directorate Near Old D.K. Hospital
Raipur (C.G.)

Present: Shri Manish Sharma, Miss Sunita Jain, Advocates for the
petitioner.
Shri Sushil Dubey, Government Advocate for the State /
respondents.

ORDER

(Passed on 15th March 2007)

1. The petitioner, while working as Assistant Surgeon, Community Health Centre, Nagri, District Dhamtari, was transferred to Primary Health Centre, Malgaon, District Jagdalpur, on the same terms and conditions vide impugned order dated 20.06.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 22.10.2001 directed to maintain status quo in regard to the position of the petitioner as was prevailing on

38

08.10.2001. By virtue of the interim order the petitioner is continuing at the original place of posting.

3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate order keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge